IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**
**and**
**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NO : 7763 of 2004**

Between:
Y.V.Rama Murthy, son of Y.M.Visweswara Iyer,
Aged about 60 years, Hindu, residing at H.No.14/398
Prakasham Street, Madanapalle Town
Chittoor District.

**..... PETITIONER**

AND

1. The Senior Civil Judge Court, Madanapalle, Chittoor District.
2. P.Kanakamma wife of Rajagopal Naidu, aged about 65 years, Hindu, residing at Puttaparthy, Anantapuram District, care of her counsel in Lower Court Sri N.S.N.Prasad, Advocate, Madanapalle.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an appropriate order direction or a writ more particularly one in the nature of the Writ of Certiorari to decide about executability of the decree passed in O.S.No. 27/59 judicially invoking the provisions of law and decisions of the Hon'ble Supreme Court referred above, declaring the action of the 1st respondent/Subordinate Judge Court's decision in O.E.P.No. 5/86, dated: 4.9.1992 as illegal, arbitrary, unconstitutional, violation of Articles 14, 19(1)(g) and 21 of Constitution of India and against the Principles of Natural Justice and consequently direct the 1st respondent/the Subordinate Judge Court, Madanapalle, presently Senior Civil Judge Court, Madanapalle to decide about executability of the decree passed in O.S.No. 27/59

judicially invoking the provisions of law and decisions of the Hon'ble Supreme Court referred above and pass such other order or orders as this Hon'ble Court may deem fit and proper.

**Counsel for the Petitioner: None present.**

**Counsel for the Respondent No.1: MR.C.V.NAGARJUNA REDDY**

**The Court Made the Following :**

**ORAL ORDER:** (per The Honourable Sri Devinder Gupta, the Chief Justice)

On the last occasion, nobody appeared for the petitioner. Today also, nobody appeared for the petitioner.

This Writ Petition has been filed under Article 226 of the Constitution of India by Y.V.Rama Murthy, impleading Senior Civil Judge Court, Madanapalle as the first respondent, and, P.Kanakamma as second respondent. The second respondent is stated to have filed suit in O.S. No. 27 of 1959 which was stated to have been decreed, against which, petitioner was stated to have filed appeal, which was dismissed, on which, Second Appeal was filed in this Court, which was also dismissed. Execution Petition thereof is stated to have been filed in which petitioner appears to have raised the question about the executability of the decree, and, in this Petition, petitioner wants declaration about the executability of the decree.

Petition filed under Article 226 of the Constitution of India for the reliefs claimed herein is totally misconceived inasmuch as the petitioner has adequate and efficacious remedy available in law to contest the judicial proceedings, and, in case, he is aggrieved by the order passed, he can avail of the remedy of challenging those orders in accordance with law.

The Writ Petition, therefore, is dismissed as misconceived. No

costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

VR.

To
1. The Senior Civil Judge, Madanapalle, Chittoor District.
2. Two CD copies.